

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4835-01  
Bill No.: SB 921  
Subject: Children and Minors; Family Law; Domestic Relations; Courts  
Type: Original  
Date: March 19, 2010

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Bill Summary: This legislation updates the Uniform Interstate Family Support Act.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Revenue	(Unknown but Greater than \$69,600,000)	(Unknown but Greater than \$71,685,000)	(Unknown but Greater than \$73,832,550)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown but Greater than \$69,600,000)</b>	<b>(Unknown but Greater than \$71,685,000)</b>	<b>(Unknown but Greater than \$73,832,550)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and cost of approximately \$69.5 million in FY11, \$71.6 million in FY12 and \$73.7 million in FY13 would net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **Sections 454.1500 - 454.1730:**

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services** and the **Missouri State Governor** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Office of the Attorney General (AGO)** assume section 454.1506 of this proposal declares the AGO to be the support enforcement agency, concurrently with the Department of Social Services (DSS). Currently, AGO provides legal work for DSS but is not a support enforcement agency. The designation as support enforcement agency would require AGO to mirror the services provided by DSS, and therefore would need to duplicate the budget of DSS for such services, as well as any increase due to this proposal. The costs are currently unknown to AGO but would well exceed \$100,000.

Officials from the **Department of Social Services (DSS)** assume the proposed legislation adopts the National Conference of Commissioners on Uniform State Laws' (NCCUSL) 2008 amendments to the Uniform Interstate Family Support Act (UIFSA). NCCUSL's 2008 amendments are meant to clarify and enhance the 1996 and 2001 versions of UIFSA and to integrate the appropriate provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague Conference on Private International Law on November 23, 2007.

The proposed legislation would require the Family Support Division to change its procedures and forms. These changes can be accomplished with existing staff.

Should the United States ratify the Convention, federal law would be changed to require states to adopt UIFSA 2008. Because current federal law, 42 USC, Section 666(f), and the Title IV-D State Plan specifically require states to adopt UIFSA 1996, states that adopt UIFSA 2008 prior to a change in the federal law could be found to be out of compliance with the Title IV-D State Plan requirement. To address the State Plan requirement, the federal Office of Child Support Enforcement issued DCL-08-41 authorizing states to enact UIFSA 2008 verbatim with a provision that the effective date of its enactment be delayed until the Convention is ratified and the United States deposits its instrument of ratification.

ASSUMPTION (continued)

Sections 454.1500 to 454.1728 are not verbatim with NCCUSL's UIFSA 2008 language and will likely result in the federal government finding that Missouri is out of compliance with Title IV-D State Plan requirements. Section B of the proposed legislation is not clear that the repeal of sections 454.850 to 454.999 must not become effective until the United States ratifies the Convention. Such clarification is necessary to ensure that UIFSA 1996 (sections 454.850 to 454.999) remains in state law until UIFSA 2008 becomes effective. Failure to comply with Title IV-D State Plan requirements will result in a total loss of federal funding, including incentives. This amount for federal fiscal year 2009 was approximately \$69.5 million. Any loss of federal funding would have to be replaced by General Revenue. A federally approved IV-D State Plan is also a requirement to receive the TANF block grant, so a disapproved IV-D State Plan could also jeopardize federal TANF funding.

**Oversight** received documentation via DSS that the U.S. Department of Health and Human Services (DHHS) has conducted a cursory review of HB 1799. Based on DHHS' review, "Missouri would likely be found out of conformance with the IV-D State plan requirements for Adoption of Uniform State Laws-State plan page 2.12(20)....."

As a result, **Oversight** is presenting a loss of federal funding of \$69.5 million for FY11; \$71.6 million for FY12; and \$73.7 million for FY13. The loss of these funds will be replaced with General Revenue Funds.

Officials from the **St. Louis Family Court** have not responded to Oversight's request for fiscal information.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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**GENERAL REVENUE FUND**

<u>Costs - Office of the Attorney General</u> Program Costs	(Unknown but Greater than \$100,000)	(Unknown but Greater than \$100,000)	(Unknown but Greater than \$100,000)
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<u>Costs - Department of Social Services</u> Transfer Out Loss of Federal Reimbursement	<u>(\$69,500,000)</u>	<u>(\$71,585,000)</u>	<u>(\$73,732,550)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown but Greater than \$69,600,000)</u></b>	<b><u>(Unknown but Greater than \$71,685,000)</u></b>	<b><u>(Unknown but Greater than \$73,832,550)</u></b>
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**FEDERAL FUNDS**

<u>Income - Department of Social Services</u> Transfer In General Revenue	\$69,500,000	\$71,585,000	\$73,732,550
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<u>Costs - Department of Social Services</u> Loss of Federal Reimbursement	<u>(\$69,500,000)</u>	<u>(\$71,585,000)</u>	<u>(\$73,732,550)</u>
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<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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<u>FISCAL IMPACT - Small Business</u>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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No direct fiscal impact to small businesses would be expected as a result of this proposal.

## FISCAL DESCRIPTION

### ***Sections 454.1500 - 454.1730:***

The proposed legislation updates the Uniform Interstate Family Support Act. Whenever more than one state is involved in establishing, enforcing or modifying a child or spousal support order, the act is implemented to determine the jurisdiction and power of the courts in the different states. This legislation also establishes which state's law will be applied in the proceeding under the act.

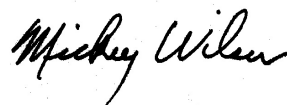
This legislation establishes rules requiring every state to defer to child support orders entered by the courts of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction, and only the law of that state can be applied to requests to modify the order of child support, unless the original tribunal loses the continuing exclusive jurisdiction. This legislation also provides various direct interstate enforcement mechanisms.

This legislation also incorporates changes required by the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance to establish uniform procedures for the processing of international child support cases. This legislation provides for guidelines and procedures for registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. The provisions relating to the Hague Convention shall become effective upon ratification by the United States Congress.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Office of the Attorney General  
Office of the State Courts Administrator  
Department of Social Services  
Missouri State Governor  
Office of Prosecution Services  
**Not Responding: St. Louis Family Court**



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Mickey Wilson, CPA  
Director  
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